



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 8, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0250

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Inconclusive
# 2	12.110 - Use of Department E-Mail & Internet Systems, 12.110-POL 6. Employees Will Read Email At Least Once per Shift and Respond Appropriately	Not Sustained - Inconclusive

Named Employee #2

Allegation(s):		Director's Findings
# 1	12.110 - Use of Department E-Mail & Internet Systems, 12.110-POL 6. Employees Will Read Email At Least Once per Shift and Respond Appropriately	Not Sustained - Inconclusive
# 2	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Inconclusive

Named Employee #3

Allegation(s):		Director's Findings
# 1	15.055 - Death Investigation, 15.055-POL, 3. The Patrol Sergeant Responding to a Death Investigation Notifies the Appropriate Investigating Unit	Not Sustained - Unfounded
# 2	15.080 - Follow-Up Unit Notification & Follow-Up Investigation, 15.080-POL-2 Follow-Up Unit Investigation, 1. Follow-Up Investigations Will Include Certain Minimum Components	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant—lawyers for Community Member #1's estate—alleged that SPD's follow-up investigation into CM#1's death was inadequate.



ADMINISTRATIVE NOTE:

On August 28, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant filed an OPA complaint indicating that SPD failed to provide updates about CM#1's death investigation. Specifically, the Complainant stated that initially following CM#1's death, SPD's former chief and Named Employee #1 (NE#1)—the assigned detective—communicated with CM#1's family, but "After the shooting, months went by, and no one from the City of Seattle reached out." The Complainant said CM#1's case was eventually re-assigned, but SPD did not identify the newly assigned detective. The complaint also stated that Community Member #2 (CM#2)—CM#1's father—was "mistakenly informed by the Seattle Police Department that the investigation into his son's murder was closed after attempts to gather updates on the investigation."

The Complainant provided the following timeline of events:

- November 21, 2022- The Complainant emailed SPD's spokesperson, the mayor's communications director, and someone at "the Civil Rights Division of the City of Seattle" for a status update.
- November 10, 2022- The Complainant filed "an open records request with the City of Seattle for information related to the investigation into the shooting..."
- November 18, 2022- The City notified the Complainant that the first installment of records would be tendered on April 21, 2023.
- November 22, 2022- The Civil Rights Division responded.
- December 2nd and 9th, 2022- The Complainant emailed Named Employee #2 (NE#2) for case status updates. An automatic reply from NE#2 indicated he was no longer assigned to SPD's public affairs unit and to contact the public affairs with questions, "apologizing for any inconvenience."
- December 6th and 16th, 2022- The Complainant emailed SPD's chief about CM#1's homicide investigation but received no response.
- February 8, 2023- The Complainant emailed "the City of Seattle Internal Affairs Manager" but received no response.
- February 10, 2023- The City notified the Complainant that records concerning CM#1's homicide investigation "would not be released due to being under an active investigation."
- February 15, 2023- The Complainant emailed OPA. Thereafter, the Complainant was contacted.

The Complainant also provided a YouTube link to a video entitled "Violence in the C.H.O.P." The Complainant stated, "...we assume [leads and suspects] were never followed up on since we never got any follow [up] information on any suspects or leads. Is this a cold case? Is this a [cover-up] for Police executing an unarmed black teenager? Or his death just doesn't matter?"



Computer-aided dispatch (CAD) records show that on June 29, 2020, at 3:01 AM, a 9-1-1 caller reported hearing five to ten shots¹ and “someone on the ground” near 1200 E Pike Street. Several SPD officers responded to the incident location, including an administrative lieutenant, three sergeants, a homicide unit sergeant detective, and a homicide unit lieutenant. A 3:05 AM update indicated that a civilian was transporting CM#1 to a hospital. A 3:33 AM update reflected that Witness Employee #1 (WE#1)—a sergeant—arrived to process the crime scene. A 3:42 AM update indicated that WE#1 awaited direction from the homicide unit. At 3:50 AM, an update reflected that WE#1 entered the crime scene.

WE#1’s body-worn video (BWV) captured his response. He announced, “This is [WE#1] with the Seattle Police Department. We are only here to collect evidence. That is the only reason we are here. We are just collecting the evidence. This vehicle was involved in a homicide investigation. We have detectives here that are going to be gathering up that evidence. We are going to be removing that evidence from here. Thank you for your cooperation. We do greatly appreciate that.” BWV also showed SPD’s crime scene investigation (CSI) unit photographing and collecting evidence.



Homicide detectives were also captured.

¹ Another caller reportedly heard nine or more shots near, but possibly west of, 12th and E Olive. Two men with rifles reportedly walked toward 12th Avenue and Pike.



BWV showed WE#1 speaking with an onlooker and providing a business card. Thereafter, a tow truck transported the reportedly involved vehicle from the crime.

CAD indicated that officers remained at the scene until 8:28 AM when they relocated to the West Precinct for a debriefing.

OPA confirmed that an incident and supplemental reports were written. However, those documents were inaccessible since the investigation is ongoing. OPA also identified the homicide detective assigned to CM#1's case.

On July 12th and July 13, 2023, OPA unsuccessfully called and emailed the Complainant to arrange an interview. On July 16th, the Complainant responded with hyperlinks³ to "useful information related to this matter." On October 24, 2023, OPA emailed the Complainant again but received no response.⁴

On November 14, 2023, OPA interviewed NE#1. NE#1 had 38 years of law enforcement experience, including 25 years as a detective and 21 years as a homicide detective. NE#1 said that on June 29, 2020, he and other officers responded to the incident location where CM#1 was killed. NE#1 said he could not provide details since the investigation was ongoing. NE#1 denied receiving or ignoring the Complainant's calls or emails. Further, NE#1 said that had the Complainant or any other party asked, he would not provide details about the investigation to protect "the integrity" of the open case. NE#1 explained that he aimed to prevent "Perpetrators from learning about the investigation and using that information to further hide, conceal the crime, hide evidence, and or escape."

² The red arrow points to the detective's unit assignment.

³ A link led to a 15 minute and 40 second talk radio video and another to an Office of Inspector General report.

⁴ On October 17, 2023, the OPA investigation was re-assigned to another investigator.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional by failing to provide updates about CM#1's homicide investigation.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." *Id.* Moreover, while on duty or in uniform, employees will not publicly ridicule "the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system, or the police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth." *Id.*

Here, NE#1 denied receiving calls or emails from the Complainant about CM#1's case. OPA received no evidence from the Complainant disproving NE#1's claim—nor did the Complainant name NE#1 as someone they reached out to. Further, the department had no duty to disclose information about its pending homicide investigation. See RCW 42.56.240.

Accordingly, there is insufficient evidence to sustain this allegation, so OPA recommends it be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

12.110 - Use of Department E-Mail & Internet Systems, 12.110-POL 6. Employees Will Read Email At Least Once per Shift and Respond Appropriately

The Complainant alleged that NE#1 failed to respond to emails timely.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #2 - Allegation #1

12.110 - Use of Department E-Mail & Internet Systems, 12.110-POL 6. Employees Will Read Email At Least Once per Shift and Respond Appropriately

The Complainant alleged that NE#2 failed to respond to emails timely.



The complaint indicated that when the Complainant emailed NE#2, an automatic reply stated that he was no longer assigned to the public affairs unit. Moreover, that reply apologized for any inconvenience that the emailer experienced.

Accordingly, without more information, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #2 - Allegation #2

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#2 was unprofessional by failing to provide updates about CM#1's homicide investigation.

For the reasons at Named Employee #1 – Allegation #2, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #3 - Allegation #1

15.055 - Death Investigation, 15.055-POL, 3. The Patrol Sergeant Responding to a Death Investigation Notifies the Appropriate Investigating Unit

The Complainant alleged that NE#3 failed to notify the homicide unit about CM#1's death.

The responding sergeant shall notify the Homicide Unit about homicides. SPD Policy 15.055-POL-3.

Here, BWV and CAD showed that the homicide unit was notified and at the crime scene on June 29, 2020.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 - Allegation #2

15.080 - Follow-Up Unit Notification & Follow-Up Investigation, 15.080-POL-2 Follow-Up Unit Investigation, 1. Follow-Up Investigations Will Include Certain Minimum Components

The Complainant alleged that NE#3 conducted an inadequate follow-up investigation into CM#1's death.

Follow-up investigations must include reviewing related reports, collecting subjects' criminal history, and linking subjects to other crimes. SPD Policy 15.080-POL-2(1). Detectives must also contact and interview witnesses, victims, uniformed personnel, and suspects when appropriate, view and search the crime scene, and collect evidence. *Id.* Additionally, detectives must prepare the case files for prosecutors and respond to requests for additional information. *Id.*



Here, OPA confirmed that a veteran homicide detective was assigned to investigate CM#1's death. There are several reports linked to the case file. BWV showed that CSI appeared on the date in question and photographed the scene. It also showed officers speaking with onlookers and providing a business card. Further, the vehicle allegedly involved in the crime was towed for processing. While investigative steps were taken, since the case is restricted from review, OPA has insufficient information to assess the quality of the investigation.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**